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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/643,734

08/18/2003

Philippe Richard

2872-003

4101

22208 7590 09/27/2007
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EXAMINER

KIM, JUNG W

ART UNIT

PAPER NUMBER

2132

MAIL DATE

DELIVERY MODE

09/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/643,734

Applicant(s)

RICHARD, PHILIPPE

Examiner

Jung Kim

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 18-26 is/are pending in the application.
- 4a) Of the above claim(s) 14 and 18-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date see enclosed.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

1. This Office action is in response to the Response to Election/Restriction filed on 7/26/07.
2. Claims 1-14 and 18-26 are pending.
3. Claims 14 and 18-26 are withdrawn.

Election/Restrictions

4. Applicant's election with traverse of Group 1, claims 1-13, in the reply filed on 7/26/07 is acknowledged. Applicant's argument that claims 18-26 should be consolidated together because the searches for these claims would substantially overlap is persuasive. Claims 18-26 generally recite steps to distribute and install a software package onto a user, and to register the installed software package. Hence, the restricted Groups are defined as follows: elected Group 1, drawn to a method for authenticated communication over a network between a first user and a second user via a discovery machine, which correspond to claims 1-13; unelected Group 2, drawn to a method for authenticated communication over a network between a first user and a second user using an augmented email address, which corresponds to claim 14; and unelected Group 3, drawn to a method for distribution of a software package, which correspond to claims 18-26.

5. Claims 14 and 18-32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention. Applicant timely traversed the restriction (election) requirement in the reply filed on 7/26/07.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 4, 5 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hu USPN 5,586,260 (hereinafter Hu).

8. As per claims 1, 2, 4, 5 and 13, Hu discloses a method for communication over a network that allows for the authentication of individuals and control of information comprising:

- a. registering with a discovery machine a first user and a second user, wherein the first user maintains a first client machine and the second user maintains a second client machine, wherein the first client machine, the second client machine and the discovery machine are coupled to a network; (4:17-43)
- b. initiating a communication from a second user via a second client machine to a first user via a first client machine through the discovery machine; (5:41-58)
- c. determining that the first user will accept the communication; (6:30-33)

- d. establishing a direct link between the first client machine and the second client machine; and delivering the communication; (fig. 4; upon completion of authentication, communication is established)
- e. wherein the direct link is not established if the first user does not accept the communication; (access to the server requires authentication of the client)
- f. wherein the direct link closes after the communication is delivered; (at termination of the call)
- g. further comprising the step of the second user initiating a new communication to the first user by establishing a new direct link between the second user machine and the first user machine; (fig. 4; upon completion of authentication, a direct link is established between the user machine and the server)
- h. wherein a thread of related previous communications is prefixed to the new communication; (4:44-57; 5:8-12 and lines 50-53; 6:30-33)
- i. wherein the discovery machine is a central server. (fig. 2)

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 2, 4, 6-11 and 13 are rejected under 35 USC 103(a) as being unpatentable over Mathis et al. USPN 5,054,019 in view of Edelstein et al. USPN 5,764,906 (hereinafter Edelstein).

11. As per claims 1, 2, 4, 6-8 and 13, Mathis discloses a method for communication over a network that allows for the authentication of individuals and control of information comprising:

- j. initiating a communication from a second user via a second client machine to a first user via a first client machine; wherein the first and second client machine are coupled to a network; (fig. 1 and 3)
- k. determining that the first user will accept the communication; (col. 3:39-40 and lines 54-55)
- l. establishing a direct link between the first client machine and the second client machine; and delivering the communication; (col. 3:63-4:12)
- m. wherein the direct link is not established if the first user does not accept the communication; (3:40-41)
- n. wherein the direct link closes after the communication is delivered; (4:10-12)
- o. further comprising the step of the second user initiating a new communication to the first user by establishing a new direct link between the second user machine and the first user machine. (3:63-4:12)

12. Mathis does not disclose the first user and the second user registering with a discovery machine, wherein the discovery machine is coupled to the network; wherein the communication is initiated via the discovery machine; wherein at least one of the first user and the second user maintains a plurality of contact information; wherein an individual entry in the plurality of contact information is automatically updated when an associated user of the individual entry updates a corresponding entry locally at a client machine of the associated user; wherein a third user can initiate a new communication to at least one of the first and the second user via a web page interface coupled to the discovery machine; wherein the discovery machine is a central server. Edelstein discloses a universal electronic resource denotation, request and delivery system for providing and maintaining aliases for information resources and a system for translating these aliases to meaningful electronic addresses such as URL's, facsimile and electronic mail address, and for accessing the resources by these addresses, via a central registry (col. 3:40-60; fig. 5), wherein clients register with the central registry; the clients maintain a collection of recently used resource aliases and their related data, and thereby enabling a client to access electronic resources associated with the alias (6:32-66). Edelstein discloses that such technology enables a client to quickly and conveniently locate and access specific network resources. (3:18-22) Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the first user and the second user to register with a discovery machine, wherein the discovery machine is coupled to the network; wherein the communication is initiated via the discovery machine; wherein at least one of the first user and the second user

maintains a plurality of contact information; wherein an individual entry in the plurality of contact information is automatically updated when an associated user of the individual entry updates a corresponding entry locally at a client machine of the associated user; wherein a third user can initiate a new communication to at least one of the first and the second user via a web page interface coupled to the discovery machine; wherein the discovery machine is a central server. One would be motivated to do so to enable a client to quickly and conveniently locate and access specific network resources as taught by Edelstein, *ibid*. The aforementioned cover the limitations of claims 1, 2, 4, 6-8 and 13.

13. As per claims 9-11, the rejection of claim 1 under 35 USC 103(a) as being unpatentable over Mathis in view of Edelstein is incorporated herein. Moreover, Edelstein discloses providing and maintaining short aliases for translation of these alias to electronic mail addresses. (Col. 3:43-49) Because SMTP is the de facto standard for e-mail transmissions in the Internet, it would be obvious to one of ordinary skill in the art at the time the invention was made for the third user to initiate a new communication to at least one of the first and second user through SMTP via the discovery machine, since SMTP is the standard means to communicate via e-mail. In addition, Mathis discloses at least one of the first user and second user can selectively block the new communication (3:60-62), and wherein a one-directional communication link is sent to the third user when at least one of the first and the second user replies to the new communication wherein the one directional communication link allows the third user to

send a future communication directly to the first or second user (3:63-4:2). The aforementioned cover the limitations of claims 9-11.

14. Claim 12 is rejected under 35 USC 103(a) as being unpatentable over Mathis in view of Edelstein, and further in view of Waldo et al. USPN 6,185,611 (hereinafter Waldo)

15. As per claim 12, the rejection of claim 1 under 35 USC 103(a) as being unpatentable over Mathis in view of Edelstein is incorporated herein. Neither Mathis nor Edelstein disclose the step determining that the first user will accept the communication further comprises the step of storing notification of the communication if the first user is unavailable. Waldo disclose a lookup service in a distributed network system that enables registered clients to be notified of the status of a service, including if a service is not available (Col. 2:60-3:2; 11:52-12:18). It would be obvious to one of ordinary skill in the art at the time the invention was made for the step of determining that the first user will accept the communication to further comprise the step of storing notification of the communication if the first user is unavailable. One would be motivated to do so for clients to avoid attempting to access a service that is no longer available. (Waldo, Abstract)

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16. Claims 1-4, 6-8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mathis in view of Hansmann et al. USPN 6,941,148 (hereinafter Hansmann)

17. As per claims 1, 2, 4, 6-8 and 13, Mathis discloses a method for communication over a network that allows for the authentication of individuals and control of information comprising:

- p. initiating a communication from a second user via a second client machine to a first user via a first client machine; wherein the first and second client machine are coupled to a network; (fig. 1 and 3)
- q. determining that the first user will accept the communication; (col. 3:39-40 and lines 54-55)
- r. establishing a direct link between the first client machine and the second client machine; and delivering the communication; (col. 3:63-4:12)
- s. wherein the direct link is not established if the first user does not accept the communication; (3:40-41)
- t. wherein the direct link closes after the communication is delivered; (4:10-12)
- u. further comprising the step of the second user initiating a new communication to the first user by establishing a new direct link between the second user machine and the first user machine. (3:63-4:12)

18. Mathis does not disclose the first user and the second user registering with a discovery machine, wherein the discovery machine is coupled to the network; wherein the communication is initiated via the discovery machine; wherein at least one of the first user and the second user maintains a plurality of contact information; wherein an individual entry in the plurality of contact information is automatically updated when an associated user of the individual entry updates a corresponding entry locally at a client machine of the associated user; wherein a third user can initiate a new communication to at least one of the first and the second user via a web page interface coupled to the discovery machine; wherein the discovery machine is a central server. Hansmann discloses a device registry for automatic connection, whereby one or more user devices registers with a central registry server then submits a request to access a service by selecting an icon on the user's display, and wherein the request is forwarded to the central registry server, which mates the request to a backend system providing the service; wherein the user device maintains a list of registry server address. Col. 2:40-55 and lines 65-67; fig. 3. Hansmann discloses that such a feature scales well: it enables a user device to connect with ever increasing services in a flexible manner without knowing in advance which backend system provides the required service. (2:1-6) Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the first user and the second user to register with a discovery machine, wherein the discovery machine is coupled to the network; wherein the communication is initiated via the discovery machine; wherein at least one of the first user and the second user maintains a plurality of contact information; wherein an

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individual entry in the plurality of contact information is automatically updated when an associated user of the individual entry updates a corresponding entry locally at a client machine of the associated user; wherein a third user can initiate a new communication to at least one of the first and the second user via a web page interface coupled to the discovery machine; wherein the discovery machine is a central server. One would be motivated to do so for a more flexibility means of connecting a client to a plurality of other nodes as taught by Hansmann, *ibid*. The aforementioned cover the limitations of claims 1, 2, 4, 6-8 and 13.

19. As per claim 3, the rejection of claim 1 under 35 USC 103(a) as being unpatentable over Mathis in view of Hansmann is incorporated herein. In addition, Hansmann discloses that the registry server establishes a connection to the backend system via its backend router, wherein the router holds tables that define on which backend system the required application is installed. It is further notoriously well known in the art for routers to implement queuing disciplines; for example, in the event that a destination is not available, a router implementing a fair queuing technique will queue the flow directed to a nonresponsive destination. Official notice of this teaching is taken. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made such that if the first user is not available to receive the communication, the communication is stored by the discovery machine until the first user becomes available. One would be motivated to do so to handle latency experienced by the communication. The aforementioned cover the limitations of claim 3.

20. Claim 12 is rejected under 35 USC 103(a) as being unpatentable over Mathis in view of Hansmann, and further in view of Waldo et al. USPN 6,185,611 (hereinafter Waldo)

21. As per claim 12, the rejection of claim 1 under 35 USC 103(a) as being unpatentable over Mathis in view of Hansmann is incorporated herein. Neither Mathis nor Hansmann disclose the step determining that the first user will accept the communication further comprises the step of storing notification of the communication if the first user is unavailable. Waldo disclose a lookup service in a distributed network system that enables registered clients to be notified of the status of a service, including if a service is not available (Col. 2:60-3:2; 11:52-12:18). It would be obvious to one of ordinary skill in the art at the time the invention was made for the step of determining that the first user will accept the communication to further comprise the step of storing notification of the communication if the first user is unavailable. One would be motivated to do so for clients to avoid attempting to access a service that is no longer available. (Waldo, Abstract)

Communications Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W. Kim whose telephone number is 571-272-3804. The examiner can normally be reached on M-F 9:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jung W Kim
Examiner
Art Unit 2132